



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

QING MA  
QUAN TRAN  
STEVE TOWLE  
EBRAHIM ANDIDEH

Serial No.: 10/038,343

Filed: January 2, 2002

For: A SEMICONDUCTOR DEVICE HAVING  
A LOW-K DIELECTRIC LAYER

Which is a Divisional of Application:

Serial No.: 09/524,766

Filed: March 14, 2000

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Examiner: D. Le

Art Unit: 2818

Attorney Docket: 042390.P8125D

Examiner: D. Le

Art Unit: 2818

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DEC 22 REC'D

TC 2800

AMENDMENT

Dear Sir:

In response to the office action of October 21, 2004, applicants respectfully request the examiner to enter the following amendments and to consider the following remarks. In particular, applicants request the examiner to note that the primary reference upon which the examiner relies, Cox, is not prior art under 35 U.S.C. §102(e), as applicants' invention date predates that reference's October 21, 1999 filing date. Nor can the examiner properly apply Cox against the pending claims under 35 U.S.C. §103(a) because both Cox and the pending application were, at the time the invention was made, subject to an obligation of assignment to the same entity.

The examiner should further note that the other cited reference, Grill et al., is not prior art under 35 U.S.C. §102(e) because applicants' invention is entitled to a March 14, 2000 filing date, which predates that reference's effective filing date of August 31, 2000. Because neither of the references that the examiner cited have prior art status with respect to pending claims 13-23, applicants respectfully request the examiner to allow those claims to issue.